

**County of Loudoun
Department of Construction & Waste Management
Division of Waste Management**

MEMORANDUM

DATE: June 9, 2010
TO: Marchant Schneider, Project Manager, Department of Planning, MS 62
FROM: Monica Gorman, Compliance Specialist, Division of Waste Management, MS 64
RE: **SPEX 2010-0010, Broad Run Contracting, Dulles Trade Center West, Lot 12**

APPLICATION SUMMARY

Department of Construction & Waste Management (DCWM) staff has reviewed the above-referenced Special Exception (SPEX) application to permit the storage of empty solid waste vehicles and containers on a portion of a 11.04 acre parcel in Dulles Trade Center West (PIN: 162-47-0244).

BACKGROUND

Chapter 1084 of the Codified Ordinances of Loudoun County (the "Solid Waste Collection and Transportation Ordinance") regulates the collection of solid waste and recyclable material in Loudoun County, as well as the storage of solid waste collection vehicles and containers. Among the requirements outlined in Chapter 1084, solid waste collection companies conducting any business in Loudoun County must obtain a permit from the DCWM on an annual basis. In addition, Chapter 1084 prohibits the storage of collection vehicles and containers on any property in Loudoun County unless the Zoning Administrator has issued a written determination that the site is a lawful place for such storage.

The applicant, Broad Run Contracting, LLC (BRC) is a solid waste collection company that services primarily commercial customers in the D.C. metropolitan area. In Loudoun County, BRC primarily collects construction and demolition waste in open-top, roll-off containers. BRC's vehicles and containers are currently stored on leased property at 1000 Ruritan Circle in Sterling. This SPEX is an effort by BRC to come into compliance with the provisions of Chapter 1084 that require conformance with the Zoning Ordinance.

CONFORMANCE WITH LOCAL SOLID WASTE REGULATIONS

1. **Chapter 1080.** The land use specifies that the solid waste vehicles and containers be empty as Chapter 1080 of the Loudoun County Codified Ordinances, the "Solid Waste Management Facilities Ordinance," prohibits storage on the property of any solid waste that was collected from off site. Any such waste storage would require a permit for a "solid waste management facility" issued under Chapter 1080, and the configuration of the subject property would not allow for such a permit.

2. **County Ordinance Chapter 1084, Section 1084.06.** No solid waste collection company may conduct any portion of its business in Loudoun County without a valid permit under Chapter 1084. The occupant of the subject property must maintain a collector's permit issued annually by the DCWM in order to lawfully store collection vehicles and containers. As of this writing, BRC does hold a collector's permit, which is valid until March 31, 2011.
3. **Sections 1084.09(f) and 1084.11(d).** The subject property may be used for the storage of empty solid waste collection vehicles and containers as long as such storage is in conformance with the Zoning Ordinance. The approval of this SPEX alone will not constitute compliance with Sections 1084.09(f) and 1084.11(d); an approved site plan and Zoning Permit are also required. Staff defers to Zoning Administration with respect to any additional requirements under the Zoning Ordinance.
4. **Sections 1084.09(f) and 1084.11(d).** Collection containers must "be kept and maintained in a clean and sanitary condition," and "collection vehicles shall be stored in a neat and sanitary manner and shall not provide areas for insect breeding, vectors, or be a nuisance to adjoining property owners or a source of odors." Although BRC currently only collects construction and demolition waste, which is not typically a source of odors or vectors, the SPEX use does not limit the type of collection vehicle or container that is stored on the property. As a result, vehicles and containers used for the collection of garbage, which can pose a nuisance, could be lawfully be stored on the property in the future.

ISSUES FOR CONSIDERATION

1. Management of runoff should be considered given that solid waste vehicles and open-top containers will be stored on the exterior of the property. The quality of storm water runoff may be compromised if the vehicles and containers are not maintained in a clean condition.
2. Typically, trash collection companies also use exterior storage lots to perform vehicle and container maintenance and repair, to include oil and fluid changes, repainting vehicles and containers, and welding. The impact of these activities on groundwater and storm water quality should be considered.
3. No information was provided as to the proposed methods for maintaining vehicles and containers in a clean and sanitary condition as required by ordinance. Given that the SPEX use would also allow for the storage of vehicles and containers that collect garbage, staff requests that the applicant provide details on how and where such vehicles and containers would be washed in order to prevent odors and vectors. In addition, the applicant should provide details on how the uncontrolled discharge of wash water will be prevented as this water could contain hydraulic fluid, oil, organic matter, and solid waste.

RECOMMENDATIONS

The DCWM recommends approval of this SPEX application subject to consideration of the issues presented above and the following:

1. A note should be added to the plat stating that the SPEX use is regulated under Chapter 1084 of the Codified Ordinances of Loudoun County.

2. Staff recommends a condition of approval that states that a Site Plan and a Zoning Permit must be issued under this SPEX prior to storage of any solid waste vehicles and containers on the property.
3. Staff recommends a condition of approval that prohibits any maintenance or washing of solid waste vehicles and containers on the exterior of the property.
4. Staff recommends a condition of approval that prohibits storage of solid waste vehicles and containers that are used for the collection of garbage unless the applicant adequately addresses how and where any such vehicles and containers would be routinely washed and maintained in order to prevent vectors and odors.